

Thomas FitzGerald - Re: Submission on Major Project MP09-0166 development for the proposed 'Altitude Aspire' Development at Terranora, NSW for a 321 lots community title subdivision

From: "Richard Murray" <rwmy125@tpg.com.au>
To: "Information NSW Planning" <information@planning.nsw.gov.au>
Date: 4/04/2011 6:09 AM
Subject: Re: Submission on Major Project MP09-0166 development for the proposed 'Altitude Aspire' Development at Terranora, NSW for a 321 lots community title subdivision
CC: "Tweed Shire Council" <tsc@tweed.nsw.gov.au>
Attachments: SubmissionAltAspire42011.doc

Information Inquiry
 NSW Department of Planning
 GPO Box 39 Sydney
 NSW, 2001

Dear Sir,
 Would you kindly direct our following submission to The Director, Major Projects Assessment, NSW Department of Planning as the email address was not shown on the Major Project MP09-0166 documentation.

Richard W Murray
 Secretary
 Tweed Heads Environment Group Inc.
 116 Harbour Drive
 Tweed Heads NSW 2485

1 April, 2011.

The Director,
 Major Projects Assessment,
 NSW Department of Planning
 GPO Box 39 Sydney
 NSW, 2001.

Dear Sir

Re: Submission on Major Project MP09-0166 development for the proposed 'Altitude Aspire' Development at Terranora, Northern NSW for a 321 lots community title subdivision, comprising 317 Residential lots, one community association lot (Lot 711), public reserves (Lots 436 and 710) and one drainage reserve lot (Lot 630) and the provision of all usual urban infrastructure including reticulated water, sewer, stormwater, power and telephone. Bulk earthworks across the site will also be required to create the proposed final landform at 'Altitude Aspire' Fraser Drive, Terranora. A temporary road access is proposed to Fraser Drive to service the first stages of the subdivision. Approval is also sought for the construction of a temporary site sales office on proposed Lot 1103.

Tweed Heads Environment Group Inc. makes the following submission in response to the above development and wishes to object and raise concerns about the following issues:

1. Aboriginal Cultural Heritage issues.
2. Managing 'Altitude Aspire's' urban water on a whole-of-water cycle basis.
3. Managing polluting stormwater discharge of into the 'highly stressed' Trutes Bay and the Terranora

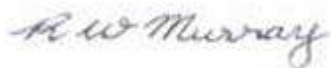
Broadwater.

4. Unapproved Master plan for Quality Stormwater Drainage.
5. Key traffic infrastructure is not in place.

Tweed Heads Environment Group Inc. requests that you consider our attached submission on the several issues raised.

Please acknowledge receipt of this submission.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'R W Murray', is positioned above the typed name.

Richard W Murray
Secretary
Tweed Heads Environment Group Inc.
116 Harbour Drive
Tweed Heads NSW 2485
07 5599 1315



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Phone: 55991315
rwmy125@tpg.com.au

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1. Aboriginal Cultural Heritage issues.
2. Managing 'Altitude Aspire's' urban water on a whole-of-water cycle basis.
3. Managing polluting stormwater discharge of into the 'highly stressed' Trutes Bay and the Terranora Broadwater.
4. Unapproved Master plan for Quality Stormwater Drainage.
5. Key traffic infrastructure is not in place.

Background

Major Project MP09-0166 development for the proposed 'Altitude Aspire' development at Fraser Drive, Terranora is the first major residential subdivision of Area 'E'.

Area 'E' is principally comprised of the following uses:

- The Lindisfarne Anglican Secondary School, on an approximately eight hectare site.
- Approximately 52 hectares of SEPP-14 wetlands at the northern interface with Trutes Bay.
- Approximately 237 hectares of rezoned rural lands, previously [zoned 1(b1) Agricultural Protection] of which the major resource is 73 ha of Class 6 Specialist Use Agricultural lands, the majority of which are lying fallow.

Other factors

- A Tweed Shire Local Environment Study (2005) forecasts a potential population of 3500 persons for Area E.
- Major Project 06_0243 has also been approved for a further subdivision of 151 freehold Lots and 1 super lot off Fraser Drive, South Tweed Heads, just north of this subject proposal.
- By 2036 the estimated population of nearby major development areas in Tweed including Area E will total 34003, while the projected infill population will add another 25,896 persons.

Aboriginal Cultural Heritage Management Plan

Tweed Heads Environment Group Inc. considers that the consultant Everick Heritage Consultants Pty Ltd have overlooked the Tweed Shire Council Cobaki and Terranora Aboriginal Cultural Heritage Management Plan (2006) as a source of information and reference.

This Plan has mapped much of the elevated ridgeline areas as "higher potential for cultural heritage".

The Everick Heritage Consultants Cultural Heritage Assessment (December 2010) questionably advises:

“It would appear that the occupants of all the estuarine sites on the lower Tweed River waterways had immediate access to extensive tracts of rainforests. However, no occupation sites have been found on the higher elevations which supported sub-tropical rainforests. Other than isolated artefact sites there have been no other site types recorded on the higher plateaus and slopes of Terranora”. (Page 35)

Tweed Heads Environment Group Inc. has been informed that this statement is not correct as there are several “rainforest occupational sites” on the ridgelines to the east and south of the proposed development area. One of those sites is registered – a midden/campsite complex on top of the ridge at the old school site which is now the SES Headquarters.

The following criticisms have been made by the Tweed Community in regards to The Everick Heritage Consultants Cultural Heritage Assessment (December 2010);

- Consultation with the Aboriginal community for site survey appears to have been limited to a representative of the Tweed Byron Local Aboriginal Land Council (TBLALC). Had other Aboriginal community groups been represented then they would have been aware of nearby “rainforest occupation sites” approximately 2km distant, and this knowledge is contradictory to that stated on page 35.
- Consultation and engagement should have been more inclusive of the Tweeds Aboriginal community groups – including the recently registered Gold Coast Native Title Claim Group whose mapped claim area is immediately adjacent to the proposed development area.
- The TSC Cobaki and Terranora Cultural Heritage Management Plan (2006) appears not to have been referenced or consulted for the Assessment. Information in the Tweed Shire Council Plan would further inform the cultural heritage knowledge for the landscape, both within, and surrounding, the proposed development.

Conclusion

Tweed Heads Environment Group Inc. requests that the Department of Planning (Major Projects Assessment Branch) resolves the above issues with the developer and appropriate Aboriginal communities.

Managing ‘Altitude Aspire’s’ urban water on a whole-of-water cycle basis.

In our submission of 28 February 2009 to The Director of Coastal Assessments, NSW Department of Planning, regarding the nearby Cobaki Lakes (12,000 person) subdivision Tweed Heads Environment Group Inc. wrote:

“The COAG National Water Principle 4 requires that water in the urban context be managed on a whole-of-water cycle basis. This means that further improvements to water security for urban communities should be approached using a comprehensive and consistent ‘integrated urban cycle water management’ (IUWCM) strategy which includes ‘fit for purpose’ water use, the promotion of alternative water sources, and the deployment of decentralised systems, where deployment is cost effective.

The water sensitive cities project (WSC) concept embraces a range of water management techniques, including stormwater harvesting, flood management, urban water recycling and reuse programs, urban rainwater harvesting and urban water use efficiency programs.

Large scale residential ‘greenfield’ developments such as Cobaki Lakes should seek water security through whole-of-water cycle management using National Integrated Water Cycle Management principles.

In the Cobaki Lakes residential project, the Tweed Shire Council appears to be ignoring common sense water saving solutions outlined in the National Water Sensitive Cities Project (WSC) concept.”

The following policy statement of the Far Nth Coast Regional Strategy, page 40, supports the above water saving concept:

“All future development is to apply water sensitive urban design principles, including the use of dual use reticulation systems in releases of adequate scale, and meet storm water management targets that support the environmental values of the catchments

Our submission

The WSC concept includes stormwater harvesting (rainwater tanks, urban water recycling and greywater reuse programs,

Tweed Heads Environment Group presents our following concerns in regards to the future sustainable use of water resources for this subdivision. Nearby future (2036) major development areas in Tweed (population 34003) and infill population totalling 25,896 are underway could save considerable amounts of drinking water with the reuse of reclaimed water and greywater.

Rainwater Tanks

While Council has mandated 2000 and 5000 litre rainwater tanks, I have been told by a council member, that a developer could avoid the installation of rainwater tanks, providing that other approved water saving devices meet the requirements of the NSW BASIX legislation.

If the developer did avoid the installation of 2000/5000 litre rain water tanks to lower his selling price this matter should be considered as council is currently reviewing their Stormwater Quality Management Plan.

While rainwater tanks are beneficial in saving valuable drinking water, tanks of this relatively small size are easily over filled by regular heavy rain events.

During heavy rain events surplus tank-water can substantially add to the stormwater excess that could pollute the Terranora Broadwater and this should be considered in any reviewed Stormwater Quality Management Plan.

Lack of greywater reuse planning at new Tweed subdivisions

Amendments to the Local Government Regulations in NSW, allows householders to *install & make use of greywater reuse schemes* diverting bath, shower or washing machine water onto gardens *without requiring prior council approval*.

Council has questioned reports on the extent that greywater is used elsewhere in Australia and yet plans not to encourage greywater plumbing at Cobaki Lakes.

The following AWA Water Sector News Reports provide an indication of the extent that greywater is used elsewhere in Australia.

Water Sector News – 21.12.2009 - The annual Newspoll WATER SAVING SURVEY conducted for Smart WaterMark indicates that the proportion using greywater in Brisbane at 57% (up from 42% in 2008.

Water Sector News 10.12.2007 - More than half of Australian households use greywater, with Victorians leading the way, according to a new report by the ABS. Other findings include that the majority of Australian households are undertaking water saving activities. (Website)

AWA Water News for week ending 16 April 2006 - Amendments to the Local Government Regulations in NSW to be in place before end of April 2006 will allow householders to *install & make use of greywater reuse schemes* diverting bath, shower or washing machine water onto gardens *without requiring prior council approval*.

Water Sector News 2.02.2009 - Australian households will be eligible for a rebate of up to \$500 each for the purchase of a rainwater tank or a greywater system under a new Commonwealth Government program - the National Rainwater and Greywater Initiative. (Department of the Environment, Water, Heritage and the Arts)

While Council's maintains its current policy towards greywater re use, then vast amounts of drinking water are wasted instead of the reuse of greywater.

By 2031, Banora Point wastewater treatment plant will discharge up to 10,015 million litres (ML) annually of treated wastewater into the 'stressed' Terranora Inlet. This volume is more than the total amount of drinking water currently produced by Tweed Shire Council (9550ML).

As an indication of the amount of drinking water that can be saved by greywater reuse the *South East Queensland Water Strategy - November 2009* reports that: "By comparison, prior to the Millennium Drought, residents of SEQ used on average more than 120 litres per person per day for outdoor irrigation."

Dual Reticulation at Cobaki Lakes rejected by Tweed Shire Council

Even though the Tweed Shire Council plans to rebuild the West Tweed Sewage Treatment Plant already located on a nutrient overloaded Terranora Inlet in 2016, Tweed Shire Council failed to successfully negotiate with the developer in an earlier development proposal, plans for dual reticulation and an on-site Sewage Treatment Plant at the Cobaki Lakes site.

A Cobaki Sewage Treatment Plant was feasible provided council had been prepared to negotiate with the developer on arrangements for discharge through their existing Banora Point Sewage Treatment Plant.

The Far North Coast Regional Strategy (FNCRS) 'Outcomes' states: "Improved water cycle management to increase reuse of effluent & reduce the impact of sewerage & stormwater." are required. (p.40)

In addition The Far North Coast Regional Strategy states:

"All future development is to apply water sensitive urban design principles, including the use of dual use reticulation systems in releases of adequate scale & meet storm water management targets that support the environmental values of the catchment." ((FNCRS) Actions page 40).

Our Comment - dual reticulation

Tweed Heads Environment Group considers that the fact that the NSW Department of Planning (DoP) in assessing the Cobaki Concept plan have not stipulated that dual reticulation is required, due to the fact that council had already informed DoP that council did not intend to accept dual reticulation offered by the Cobaki developer.

Council has advised the community on the 19 February 2011: "concept plan approvals by DoP have reduced Council's ability to implement IWCM requirements despite Council's submissions requesting compliance with our Demand Management Strategy.

For example, there is no mechanism to ensure complying development will incorporate Council's requirements".

Our Comment - greywater or other bulk stormwater harvesting

Tweed Heads Environment Group does not accept that the NSW Department of Planning is opposed to the reuse of greywater or other bulk stormwater harvesting or would impose restrictions on dual reticulation, all areas within Tweed Shire Council's control.

Tweed Heads Environment Group considers that with Council's unsatisfactory performance in the reuse and harvesting of storm water, the Tweed community might reasonably question council's sincerity towards the maximum saving of Tweed's existing drinking water supply.

Each day more than 14 million litres of the Banora Point Plant's reclaimed water is wastefully discharged into the Terranora Inlet, adding to the already high nutrient loadings of the 'stressed' Terranora Inlet system.

Alternatively, 90% reclaimed water now wasted, could be reused with dual reticulation to the 20416 new residents soon to live relatively close to the Banora Point reclaimed wastewater plant.

As the 'Altitude Aspire' subdivision is just 3klms from the Banora Point reclaimed wastewater plant reclaimed waste water is readily available for Area E and other closer subdivisions off Fraser Drive.

The Tweed community is not encouraged by reported remarks from a developer's representative that 'the Tweed Shire Council is only interested in selling drinking water', rather than the reuse of drinking water.

Conclusion

Tweed Heads Environment Group Inc. considers that:

- Both the Tweed Shire Council and NSW Department of Planning should adopt the WSC concept and apply WSC water saving strategies in the 'Altitude Aspire' subdivision at a time of advancing climate change.*
- This whole-of-water cycle basis strategy would also allow Tweed Shire Council a way forward towards improving the 'poor' health of the Terranora Broadwater catchment system.*

- *The Tweed community perceives Tweed Council's continued wastage of reusable water as being part of a policy to support their 'preferred future water supply option', which is to construct a Byrrill Creek dam.*

A reviewed Stormwater Quality Management Plan and Stormwater Drainage Master Plan is required for current the proposed 'Altitude Aspire' development

Background

The International Water Centre 2009 EHMP Health Report Card for the Catchment and Estuary Management Plan for the Terranora and Cobaki Broadwaters indicate that:

- the greatest percentage increase in pollutants found between the existing position and post development (unmitigated) is likely to be from Cobaki Lakes with 237% increase in TSS, 231% increase in TP and 270% increase in Total Nitrogen (TN)
- Other than from Council's Sewage Treatment Plants, The International Water Centre Plan (2009) estimated that the existing load of Total Nitrogen for the Terranora Inlet Catchment is 32.584/34.161 tonnes per year while a previous GHD EIS for Banora Point STP Reclaimed Water Release report (2005) estimated that the existing load of Total Nitrogen for the Terranora Inlet Catchment is 88.1 tonnes/year.
- A 237% increase of the highest estimation of 88.1 tonnes/year means the load of Total Nitrogen for the Terranora Inlet Catchment will increase to 208 tonnes/year, from sources other than Council's Sewage Treatment Plants.

The International Water Centre 2009 EHMP Health Report Card for the Catchment and Estuary Management Plan for the Cobaki and Terranora Broadwaters also reported that:

"Significant work needs to be undertaken if the current health of the system is to be improved. The pollutant of greatest concern to ecosystem health is dissolved inorganic nitrogen (DIN) loading as it is the primary driver of phytoplankton biomass (chlorophyll-a, an indicator of algal blooms).

To keep the chlorophyll-a concentration low enough to ensure a healthy functioning ecosystem, *it is necessary to reduce total catchment dissolved inorganic nitrogen (DIN) loads by approximately 30% in both the Terranora and Cobaki Broadwater catchments*".

Our Comment

It would appear that the International Water Centre in 2009 considered that the load of Total Nitrogen for the Terranora Inlet Catchment should be 23.9 tonnes per year which is a long way from present 80 to 208 tonnes per year that is currently calculated.

Tweed Shire Council should act immediately and accept the following recommendation from the International Water Centre 2009 EHMP Health Report:

"A concerted effort from Government and the community is required to prevent these waterways from becoming terminally ill".

Council has recently appointed Designflow and Australian Wetlands to complete a review of Tweed Shire Council's Stormwater Quality Management Plan (2000) & Design Specification D7 Stormwater Quality Version 1.3 (2005).

The Tweed River Committee meeting was told on the 18 January 2011 that this project was expected to be completed by June 2011.

It is considered that Tweed Shire Council's current Stormwater Quality Management Plan (2000) & Design Specification D7 Stormwater Quality Version 1.3 (2005) has not been implemented effectively in managing quality stormwater discharge from both the Cobaki development earthworks to the Cobaki Broadwater and from The Western Drainage system to Trutes Bay Terranora Broadwater.

Our Comment

On 17 March 2011, Tweed Heads Environment Group Inc. requested that:

- Tweed Shire Council makes all future earthworks and development at Cobaki Lakes subject to the reviewed version of Tweed Shire Council's Stormwater Quality Management Plan (2000) & Design Specification D7 Stormwater Quality Version 1.3 (2005).
- Tweed Shire Council should consider first the approval of the whole Stormwater drainage Master plan within the Cobaki Lake development before approving individual stormwater drainage plans for precincts 1, 2 and 6. Failure to do this would allow serious stormwater pollution to increase while the development is completed over many years. Flora and fauna habitat could also be adversely affected.

In 2005 Council's Planning Committee recommended that no development on Area E should be approved unless a Development Control Plan, Section 94 Plan, Master Plan, Wetland Rehabilitation and Stormwater Management Plan had been approved for the land.

On 2 March 2011 Tweed Shire Council confirmed that some of these issues still remain unresolved.

The Executive Summary (Page (xi)) of the Tweed Local Environment Study 'Area E' March 2004 also advised: "There are significant hydrology, flooding and drainage constraints for the development of Area E, including runoff from the site contributing to the silting of the mud basin in Terranora Broadwater. Furthermore, the area is identified as an area that may potentially generate acid runoff and nutrient problems as a result of development".

In addition it was uncertain whether issues associated with the Stormwater drainage flowing from this proposed subdivision onto (Bolster's) land, had been resolved. The Bolster property is the end site for the bulk of stormwater drainage from the developable area of Area E and contains a considerable area of SEPP 14 Wetland, with considerable environmental values, located adjacent to Trutes Bay in Terranora Broadwater.

Trutes Bay is a significant wetland bird habitat, and is a major roosting site for wetland and migratory birds. The Tweed Bird Observer's Bird List has previously recorded sightings of 138 species of birds in the Trutes Bay Wetland.

Tweed Shire Council Bird studies have identified Trutes Bay as a major roost site for wader birds the most important migratory bird roost site in the area.

The EHMP Health Report Card (International Water Centre – 2009) advised that Terranora Broadwater has an EHMP Score of D+ (Poor)

Conclusion

Tweed Heads Environment Group Inc. recommends that:

- *The reviewed version of Tweed Shire Council's Stormwater Quality Management Plan (2000) & Design Specification D7 Stormwater Quality Version 1.3 (2005) should be considered in the proposed 'Altitude Aspire' development considering the 'dismal' performance of previously Stormwater Quality Management Plans that were badly managed.*
- *Firstly, NSW Department of Planning should consider the approval of the whole Stormwater drainage Master Plan within the Area E before approving the individual stormwater drainage plan for the first subdivision of the proposed 'Altitude Aspire' development.*

Failure to do this would allow serious stormwater pollution in Trutes Bay to increase while the development of Area E is completed over many years. Flora and fauna habitat could also be adversely affected.

Traffic

NSW RTA Roads – Accessibility and impact on Tweed Shire road traffic network.

Tweed Heads Environment Group advises:

- Terranora Road is a major road connecting this subdivision of Area E to the recently started Sexton Hill bypass, the completion date of which is uncertain.

- The section of Darlington Drive from Leisure Drive to the Pacific Highway Motorway is currently level of service 'D', (i.e. all drivers are severely restricted in their freedom to select their desired speed and to manoeuvre within the traffic stream)
- Leisure Drive from Greenway Drive to Darlington Drive is already operating at level of service 'C'.
- Major Project 06_0243 recently approved for a further subdivision of 151 freehold Lots and 1 super lot at Fraser Drive, South Tweed Heads, north of this subject proposal will increase the urgency for a four-lane Fraser Drive near the proposed 'Altitude Aspire' development.
- The Kirkwood Road upgrade is another uncompleted key road that significantly impacts on increased traffic within the Tweed Shire Road Network.

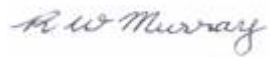
Tweed Heads Environment Group - Comment

Tweed Heads Environment Group objects to this proposal on the grounds that key traffic infrastructure for this initial subdivision of Area E is not in place.

Conclusion

Tweed Heads Environment Group Inc. requests that you consider our submission on the several issues raised. Please acknowledge receipt of this submission.

Yours sincerely



Richard W Murray
Secretary
Tweed Heads Environment Group Inc